

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JAY WILLIAMS,

Plaintiff,

v.

MARY STEPHENSON,

Defendant.

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Case No. 6:23-cv-217-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, an inmate proceeding pro se, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for disposition.

On June 20, 2023, the Magistrate Judge issued a Report and Recommendation recommending that the case be dismissed for failure to satisfy the filing fee requirement for this case or comply with the Court's order to do so. Docket No. 4. Plaintiff has filed an "indictment," which the Court construes to be written objections to the Report. Docket No. 5.


The Court reviews the findings and conclusions of a Magistrate Judge de novo if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

In pertinent part, Plaintiff's objection is that he "has paid all fees as well as complied with every order." Docket No. 5 at 1. But that assertion is objectively untrue and contrary to the record in this case. For the reasons explained by the Magistrate Judge, Plaintiff's handmade "coupon" for \$402 does not constitute payment of the filing fee or a good faith effort to comply with the Court's order. *See* Docket No. 4 at 1–2.

Having reviewed the record and Plaintiff's objections de novo, the Court concludes that the objections are without merit and that the findings and conclusions of the Magistrate Judge are correct. Accordingly, the Court hereby **OVERRULES** Plaintiff's objections and **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 4) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice for failure to comply with the Court's order and failure to take the steps necessary to prosecute this case. *See* Fed. R. Civ. P. 41(b) (authorizing involuntary dismissal for failure to comply with a court order). All pending motions are **DENIED** as moot.

So **ORDERED** and **SIGNED** this 13th day of **July, 2023**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE